

2012

THEORY OF LEGISLATION

Paper : 1-4

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1
10
Discuss utilitarianism as principle of legislation. Explain different sources of pleasure and pain. What objections have been advanced to the theory of utility? $8+4+4=16$

Or

Discuss the nature and scope of legislation. Explain the process of measuring effectiveness of a legislation. $10+6=16$

2
28
Explain legislation as a tool of social change in relation to religion, morality and tradition with special reference to the Uniform Civil Code as provided in Article 44 of the Constitution of India.

16

Contd.

Or

Discuss the different objects of civil law as given by Bentham. State the inter-dependance between these objects in the modern world. $12+4=16$

3 Explain the objects of punishment in criminal laws as stated by Bentham. Discuss how Bentham thought punishment as groundless. $8+8=16$

Or

Discuss Jeremy Bentham's view on indirect means of preventing crime. What is the rule of proportion between punishments and offences? $10+6=16$

4 Discuss the concept of public opinion. How does it influence the law making authority in the state? State certain such instances in India. $8+6+2=16$

Or

Explain — with practical references : $4 \times 4 = 16$

- (a) Referendum.
- (b) Election
- (c) Plebiscite
- (d) Opinion polls.

(29)

15

5. Explain the doctrine of prospective overruling as an aid to judicial law making. State the aspects of judicial activism in India. $8+8=16$

Or

Discuss the whole procedure in enacting a particular act in the Parliament, under the Constitution of India. 16

8

Commerce Point